Appl. No. 10/773,660
Amdt. dated
Reply to Office Action of 07/14/2008

PATENT
Docket: 030351

REMARKS

Claims 1-15, 17-20, 35-50 and 52-56 are pending in the present application. Claims 1-15, 17-20, 35-50 and 52-56 have been examined and are rejected. In the above amendments, claims 1, 12, 35 and 52 have been amended, and new claims 58-62 have been added. Therefore, after entry of the above amendments, claims 1-15, 17-20, 35-50, 52-56 and 58-62 will be pending in this application. Applicant believes that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

Rejection of Claims 1, 3, 5-8, 12, 35-39, 41 and 52 Under 35 U.S.C. §103(a)

Claims 1, 3, 5-8, 12, 35-39, 41 and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Natarajan (U.S. Patent No. 6,597,913) in view of Kim *et al* (U.S. Publication No. 2002/0137521).

Claim 1 of the present application, as amended, recites:

"A base station comprising:

a transceiver subsystem; and

a processing subsystem configured to receive a request for grant including an identification of a specific service class from a mobile station, the specific service class being one of a set of available service classes, each service class corresponding to a particular type of data, to make a determination whether or not to issue a grant to the mobile station in response to the request for grant, to send a grant for the specific service class to the mobile station if a determination is made to issue the grant, and to receive data for the specific service class transmitted according to the grant on a reverse link from the mobile station to the base station."

Applicant submits that claim 1 is patentable over Natarajan in view of Kim for at least the following reasons.

First, the combination of Natarajan and Kim does not disclose "a processing subsystem configured to receive a request for grant including an identification of a specific service class from a mobile station, the specific service class being one of a set of available service classes, each service class corresponding to a particular type of data," as recited in claim 1. Paragraph 0042 of the present application describes an example of service classes for up to six data services. The rejection indicates that Natarajan does not disclose this feature of claim 1 but that Kim discloses this feature in Table 1, paragraph 0038, lines 1-10,

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and paragraphs 0044 through 0047. Table 1 shows a list of <u>data rates</u>. The rejection equates the data rates of Kim with the services classes of claim 1. Applicant submits that data rate is different from service class. A data rate typically denotes <u>how much data</u> can be sent whereas a service class typically denotes <u>which type of data</u>. FIG. 4 of the present application shows two requests being sent for two service classes. Two requests would typically not be sent for two data rates. Paragraphs 0038 and 0044–0047 of Kim also describe data rate instead of service class.

Second, the combination of Natarajan and Kim does not disclose "to <u>receive data for the specific service class</u> … <u>on a reverse link from the mobile station to the base station</u>," as recited in claim 1. The rejection indicates that this feature of claim 1 is disclosed by Kim in paragraphs 0038 and 0044–0047. However, these paragraphs of Kim describe data transmission on the forward link whereas claim 1 covers data transmission on the reverse link. For example, paragraph 0038 states "<u>the base station then transmits the packet data</u> at the data rate reported by the mobile station," and paragraph 0045 states "the base station transmits the data to a specific mobile station." Thus, Kim does not describe data for a specific service class being received on the reverse link from the mobile stations, as recited in claim 1.

For at least the above reasons, Applicant submits that claim 1 is patentable over Natarajan in view of Kim. Claims 3 and 5-8 are dependent on claim 1 and are patentable for at least the reasons noted for claim 1. These dependent claims may recite additional features not disclosed nor suggested by Natarajan and Kim.

Independent claims 12, 35 and 52 have each been amended to recite the features noted above for claim 1. Claims 36-39 and 41 are dependent on claim 35. Claims 12, 35-39, 41 and 52 should thus be patentable for the reasons noted above for claim 1.

Accordingly, the §103(a) rejection of claims 1, 3, 5-8, 12, 35-39, 41 and 52 should be withdrawn.

<u>Rejection of Claims 2, 9, 11, 13-15, 17, 18, 20, 40 and 42-44 Under 35 U.S.C. §103(a)</u>

Claims 2, 9, 11, 13-15, 17, 18, 20, 40 and 42-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Natarajan (U.S. Patent No. 6,597,913) in view of Kim *et al* (U.S. Publication No. 2002/0137521) and further in view of Vrzic *et al* (U.S. 2004/0228349).

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Claims 4, 19 and 45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Natarajan in view of Kim and further in view of Padgett *et al* (U.S. 2002/0183039).

Claims 10, 46-50 and 53-56 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Natarajan in view of Kim and further in view of Vrzic and Padgett.

Claims 2, 4 and 9-11 are dependent on claim 1, claims 13-15 and 17-20 are dependent on claim 12, claims 40 and 42-50 are dependent on claim 35, and claims 53-56 are dependent on claim 52. The combination of Natarajan and Kim does not disclose all of the elements of base claims 1, 12, 35 and 52, as discussed above. Hence, the combination of Natarajan and Kim is an insufficient basis for the §103(a) rejection of dependent claims 2, 4, 9-11, 13-15, 17-20, 40, 42-50 and 53-56.

Accordingly, the §103(a) rejection of claims 2, 4, 9-11, 13-15, 17-20, 40, 42-50 and 53-56 should be withdrawn.

New Claims 58-62

New claims 58-62 recite features similar to those of claims 52-55.

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CONCLUSION

In light of the amendments contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: October 14, 2008

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